

Re: Application of: Pamela R. Contag, et al.
Serial Number: 08/844,336
For: *Biodetectors Targeted to Specific Ligands*
Howrey & Simon Reference: 07953.0004.999
Xenogen Reference: PXE-002.US

15/
Sholtz
Dugay

Examiner Ryan

voice: 703-305-6558
fax: 703-308-4242

- In early February 1999, Xenogen received from Howrey & Simon a copy of the first Office Action on the merits in the above-referenced case. The Action had been mailed from the USPTO on January 22, 1999, and did not take into account a Preliminary Amendment faxed to the USPTO on November 12, 1998. Charles Sholtz therefore telephoned the Examiner on February 11, 1999, to inquire as to whether the November 12, 1998 Preliminary Amendment had been entered. During the phone conversation, Examiner Ryan apparently located the Preliminary Amendment, indicated that it would be entered, and further indicated that she would vacate the Office Action of January 22, 1999 and issue a new First Office Action.
- C. Sholtz again telephoned the Examiner on April 20, 1999, to inquire as to whether the new First Action had been sent. Examiner Ryan informed C. Sholtz that she had not yet issued the new First Action, and that she would do so shortly (but probably not this week).

MEMORANDUM

DATE: 6/19/99

RE: PXE-002 -

TO:

Receptionist will call back after
speaking with the examiner -

Spoke with Examiner Ryan - she
indicated that Office Action was
vacated and she will issue a
new action.

I requested that she send a
communication indicating that the
action was vacated and that the
application is being examined further -
she said she would.

SIGNED:

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* * * COMMUNICATION RESULT REPORT (JUN. 22. 1999 11:34AM) * * *

TTI XENOMON CORP

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XENOMON CORPORATION
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TO: Examiner V. Ryan
 United States Patent & Trademark Office
 Washington, D.C. 20231

FAX: (703) 308-4242

FROM: Winsome Sinclair
 Patent Assistant to Dr. Charles Sholtz (Reg. No. 38,615)
 XENOMON CORPORATION

DATE: Tuesday, June 22, 1999

Number of Pages (including cover sheet): 1

[Handwritten signature of Winsome Sinclair over the line]
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RE:

Application of Pamela R. Contag, et al.

SERIAL No.: 08/844,336 FILED: April 18, 1997

FOR: Biodetectors Targeted to Specific Ligands

Art Unit: 1641

Examiner Ryan:

Further to our conversation of Friday, June 19, 1999, this is to confirm that the office action of January 22, 1999 has been vacated. We await your letter of confirmation.

Thank you.

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ALL INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY AT (510) 291-6100.

If all page(s) of this transmission is (are) not received, please call Winsome Sinclair at (510) 291-6137 immediately.

6/24/99. I spoke with Ms Ryan and she confirms that 1st Action is now vacated and a new actions has been issued WB